

Message Text

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ACTION NEA-10

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C O N F I D E N T I A L TEL AVIV 1026

NEA FOR VELIOTES FROM VIETS

E. O. 11652: GDS
TAGS: OGEN IS
SUBJ: CAMPAIGN IN U.S. TO AID SAMI ESMail

REFS: (A) STATE 17258, (B) 77 TEL AVIV 11308

1. AMBASSADOR IS IN JERUSALEM ALL DAY TODAY IN MEETINGS WITH ROY, DAYAN, WEIZMAN AND COMPANY. ON ASSUMPTION YOU NEED QUICK RESPONSE TO YOUR WEEKEND QUERY (REF A), AM TRANSMITTING FOLLOWING TO YOU WITHOUT AWAITING HIS RETURN TO TEL AVIV LATE TONIGHT.

2. KERR CONFIRMS MEETING WITH BASSIM ESMail AT EMBASSY JANUARY 29. ATTORNEY FELICIA LANGER AND BASSIM HAD MET WITH SAMI ESMail AT PETAH TIKVA PRISON THE PREVIOUS DAY.

3. THERE FOLLOWS KERR'S ACCOUNT OF THE MEETING:

BASSIM STATED THAT HIS BROTHER HAD INFORMED HIM AND ATTORNEY LANGER THE PREVIOUS DAY DURING THEIR VISIT TO THE PRISON THAT HE HAD BEEN SUBJECTED TO TORTURE BY POLICE INTERROGATORS BEFORE FINALLY SIGNING CONFESSIONS IN ENGLISH AND HEBREW. BASSIM SAID ATTORNEY LANGER HAD FORWARDED A LETTER TO THE EMBASSY COMPLAINING OF THE MISTREATMENT OF HER CLIENT AND THAT THE LETTER
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SHOULD BE RECEIVED THE FOLLOWING DAY.

4. BASSIM DEMANDED THAT THE EMBASSY IMMEDIATELY PROTEST THE TORTURE OF HIS BROTHER, SAMI. I EXPLAINED IT WOULD FIRST BE NECESSARY TO SEE SAMI TO DETERMINE THE EXACT NATURE OF THE REPORTED "TORTURE." BASSIM CONTENDED THAT LACK OF SLEEP, THREATS OF VIOLENCE,

CONTINUOUS QUESTIONING AND VERBAL ABUSE CONSTITUTED SUFFICIENT TORTURE FOR AN IMMEDIATE PROTEST. I TRIED TO EXPLAIN THAT LAW ENFORCEMENT AGENCIES IN EVERY COUNTRY IN SIMILAR CIRCUMSTANCES RIGOROUSLY QUESTION PRISONERS, SOMETIMES BY TEAMS OF INTERROGATORS OVER EXTENDED PERIODS AS A MEANS OF OBTAINING CONFESSIONS. WHEN BASSIM ASKED IF THIS COULD OCCUR IN THE U.S., I UNFORTUNATELY CHOSE AS AN EXAMPLE A TOURIST CHARGED WITH "HIT AND RUN" IN A SMALL GEORGIA TOWN. WHEN ASKED IF I KNEW OF ANY SPECIFIC CASES IN GEORGIA, I SAID NO.

5. I REQUESTED BASSIM PREPARE A LIST OF THE INCIDENTS OF ABUSE CITED BY HIS BROTHER AND PROMISED THAT HIS LISTING AS WELL AS THE LETTER OF ATTORNEY LANGER WOULD BE FORWARDED TO THE DEPARTMENT. I ALSO TOLD BASSIM THAT I WOULD ATTEMPT TO OBTAIN IMMEDIATE ACCESS TO HIS BROTHER IN ORDER TO INVESTIGATE THESE CHARGES OF ABUSE AND IF SATISFIED AS TO THEIR ACCURACY, I WOULD TAKE APPROPRIATE ACTION.

6. WHEN BASSIM UNDERSTOOD THAT THE EMBASSY WOULD NOT MAKE AN IMMEDIATE PROTEST BUT REQUIRED VERIFICATION FROM THE PRISONER, HE ASKED IF HE OR HIS FAMILY SHOULD DIRECTLY PROTEST HIS BROTHER'S MISTREATMENT. I ATTEMPTED TO DISSUADE HIM FROM SUCH ACTION SAYING THAT HE SHOULD FIRST CONSULT WITH HIS ATTORNEY BEFORE UNDERTAKING CONFIDENTIAL

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INDEPENDENT ACTION WHICH MIGHT WORK AGAINST SAMI'S INTEREST. I SUGGESTED THAT IF SAMI WERE BEING TREATED HARSHLY A PROTEST BY THE FAMILY IN RAMALLAH MIGHT ONLY WORSEN HIS TREATMENT. I HAD IN MIND THE FAMILY WAS FROM THE WEST BANK AND I WAS PERSUADED THAT THEIR PROTESTS WOULD NOT BE WELL RECEIVED. I DO NOT RECOLLECT ELABORATING ANY REASONS FOR MAKING THIS RECOMMENDATION TO HIM. I PROMISED TO SEE SAMI AS SOON AS POSSIBLE AND A CALL WAS MADE TO THE NATIONAL POLICE HEADQUARTERS IMMEDIATELY FOLLOWING MY INTERVIEW WITH BASSIM. IT WAS NOT POSSIBLE TO OBTAIN PERMISSION TO VISIT SAMI UNTIL THE FOLLOWING AFTERNOON (REF B).

7. COMMENT: SAMI ESMAIL'S "NOT GUILTY" PLEA CENTERS ON HIS ATTORNEY BEING ABLE TO PROVE DURESS ON THE PART OF THE POLICE AUTHORITIES IN OBTAINING HIS TWO CONFESSIONS. THE CREDIBILITY OF SUCH A MANEUVER WOULD BE GREATLY ENHANCED WERE THE EMBASSY TO MAKE A FORMAL PROTEST OF SAMI'S MISTREATMENT BY THE POLICE. AS WE ARE REPORTING IN SEPTEL, ON THE BASIS OF EVIDENCE AVAILABLE TO US WE DO NOT BELIEVE THERE ARE ADEQUATE GROUNDS ON WHICH TO BASE SUCH A PROTEST. LEWIS

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